

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GUIDANCE ENDODONTICS, LLC,
a New Mexico Limited Liability Company,

Plaintiff,

vs.

No. CIV 08-1101 JB/RLP

DENTSPLY INTERNATIONAL, INC.
a Delaware Business Corporation, and
TULSA DENTAL PRODUCTS, LLC,
a Delaware Limited Liability Company,

Defendants,

and

DENTSPLY INTERNATIONAL, INC.
and TULSA DENTAL PRODUCTS, LLC,

Counter-Plaintiffs,

vs.

GUIDANCE ENDODONTICS, LLC
and DR. CHARLES GOODIS,

Counter-Defendants.

ORDER

THIS MATTER comes before the Court on Plaintiff Guidance Endodontics, LLC's Motion for Partial Reconsideration of Memorandum Opinion and Order [Doc. 316], filed September 17, 2009 (Doc. 337). The Court held a hearing on March 24, 2010. The primary issue is whether the Court should reconsider a portion of its Memorandum Opinion and Order, filed September 11, 2009

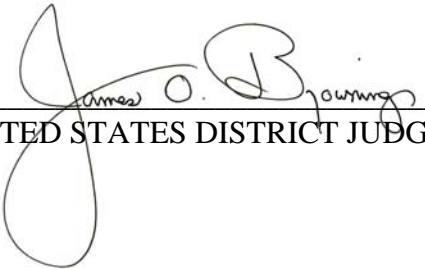
(Doc. 316). At the hearing, the parties acknowledged that there is a substantial amount of work for the Court to do, and Plaintiff Guidance Endodontics, LLC is very eager to have the court enter judgment as quickly as possible. Because this motion goes to one of the Court's interlocutory orders and is not a post-trial motion, the Court needs to rule on the motion before entering final judgment. As a result, both parties consented to the Court denying this motion without substantial consideration of the merits in the interest of more quickly entering final judgment in this matter. See Transcript of Hearing at 85:8-87:7 (taken March 24, 2010)("Tr.")(Court, Kelly, Radzely) ("MR. KELLY: Your Honor, we'll accept the denial of the motion. The Court has a ton of work to do. Our goal is to have judgment entered as soon as possible.").¹ For the reasons stated on the record, and for further reasons consistent with those already stated, the Court denies Plaintiff Guidance Endodontics, LLC's motion for reconsideration.

Guidance apparently consented to the denial without the Court reviewing the merits of the motion because, if the Court grants one of the Defendants' motions for a new trial or for judgment in their favor notwithstanding the verdict, it may be able to revive the motion. On the other hand, if the Court denies the Defendants' post-trial motions, it may be that Guidance will not cross-appeal on this issue. In any case, Guidance apparently preferred a prompt entry of final judgment over a thorough consideration of its motion upon the possibility that this issue may not matter, depending on how the Court decides the Defendants' motions. While the Court is somewhat concerned about denying a motion without substantially considering an issue that Guidance may appeal, the Court will acquiesce to Guidance's request not to reconsider the issue at this time.

IT IS ORDERED that the Motion for Partial Reconsideration of Memorandum Opinion and

¹ The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

Order [Doc. 316] is denied.



UNITED STATES DISTRICT JUDGE

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